

NATIONAL LABOR RELATIONS BOARD

Region 32

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October 5, 2005

Re: Day & Zimmermann Hawthorne Corporation
Case 32-RC-5364

Rebecca McDonald
Core of Operations Dispatchers
P.O. Box 1375
Hawthorne, NV 89415

Gentleperson(s):

The above-captioned case filed on July 11, 2005, which seeks an election for a unit of alarm room operators (dispatchers) employed by Day & Zimmerman Hawthorne Corporation (the Employer), has been carefully investigated and considered.¹

Decision to Dismiss: For the following reasons, I have determined that alarm room operators are properly included in the existing guards unit, and thus there is no question concerning representation.

As stated in the Order to Show Cause issued on July 27, the investigation in the above-captioned matter disclosed that alarm room operators were included in the guards unit previously represented by the Peacekeepers & Security Officers Union with whom the Employer had a collective bargaining relationship. Additionally, an election in Case 32-RC-5361 was held on July 12 and July 13, where alarm room operators were included on the election eligibility list and voted without being challenged by any party. Thereafter, on July 25 the International Union, Security, Police and Fire Professionals (the Union) was certified as the exclusive bargaining representative for a unit of all full-time and regular part-time guards employed by the Employer. Both the Employer and the Union take the position that alarm room operators are properly included in the bargaining unit, and that they will engage in bargaining with respect to that classification. I further note that neither the Employer nor the Union presented any evidence as to why the above petition should not be dismissed.

In response to the Order to Show Cause, you provided extensive documentation concerning the job descriptions and requirements of alarm room operators. First and foremost, I find no evidence that alarm room operators were improperly included in the

¹ All dates are 2005, unless otherwise noted.

certified bargaining unit in Case 32-RC-5361, or that their inclusion should have been forestalled by the filing of your petition one day before the scheduled election. In this regard, I note that pursuant to Casehandling Manual Section 11026.2(b), your petition was untimely filed, since the showing of interest in support of it postdated the approval of the stipulated election agreement in Case 32-RC-5361. In regard to the evidence you presented, while alarm room operators work in a special area, have separate direct supervision, and distinct duties and skills, nevertheless the evidence, including your own, supports the finding that they are guards as defined by Section 9(b)(3) of the Act. Section 9(b)(3) defines a guard as “any individual employed as a guard to enforce against employees and other persons rules to protect the property of the employer or to protect the safety of persons on the employer’s premises...” Thus, alarm room operators are an integral part of the Directorate of Depot Protection charged with protecting the property and safety of all personnel on the Hawthorne Army Depot in Hawthorne, Nevada, which the Employer operates and maintains. Alarm room operators monitor and operate radios, telephones, computers, and other specialized equipment for reports of intrusions, fire, hazmat and medical emergencies, and other incidents which require them to dispatch guards, and other protective service personnel to insure the security of the personnel and property at the Hawthorne Army Depot. They operate, through software, robotic all terrain vehicles which are dispatched for security purposes. Alarm room operators badge the Employer’s personnel, contractors, military and civilian personnel, government, press, and foreign visitors, and maintain a permanent record of all personnel entering the facility. They receive specialized training as first responders in emergency situations, the use of security response equipment, surveillance equipment, and fire and law enforcement dispatch. As alarm room operators, they do not enjoy any special status that sets them apart from the other employees in the guards unit. Based on the above, including the undisputed facts presented by you, I find that alarm room operators come under the definition of Section 9(b)(3) guards. As such, they are appropriately included in the unit of all guards employed by the Employer, recently certified in Case 32-RC-5361. Accordingly, as no question concerning representation regarding alarm room operators now exists, I am hereby dismissing the petition in this matter.

Your Right to Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing an appeal with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC, 20570-00001. A copy of such appeal must be served upon each of the parties to the proceeding, including the undersigned.

Request of Review Due Date: The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. (EST) on October 19, 2005. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

October 5, 2005

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board website: www.nlrb.gov.

Extension of Time to File Request for Review: Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

Request of Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Very truly yours,

/s/ Alan B. Reichard
Alan B. Reichard
Regional Director

cc:

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